

**SPECIAL MEETING  
BOARD OF MAYOR AND ALDERMEN  
(PUBLIC PARTICIPATION)**

**April 16, 2002**

**7:00 PM**

(Roll call delayed to following presentation)

Mayor Baines called the meeting to order advising that he wished to begin with a presentation to Deputy Chief of Police Stewart in recognition of his years of service to the community, and asked Deputy Chief Stewart and his wife Nita to come forward for a special presentation. Alderman Forest and Chief Driscoll were requested to join the Mayor.

Mayor Baines stated it is a great honor for me on behalf of the citizens of our City to recognize a gentleman that has been a dedicated and loyal public servant. I think anyone whom has known Jim through his career and witnessed his rise through the ranks of the police force have noticed his determination, and his convictions around helping us maintain our safety in our City. Also, for being an advocate for the citizens of our City to have a safe and secure City for all of us to live in. Whether you are a young child or a senior citizen that has lived in this community. Great respect for the neighborhoods and the people that live in the neighborhoods. I know we are going to miss his passion for his job, and his dedication and commitment to the City. He has certainly been a role model. Every public servant can look to Jim Stewart as a role model for how to serve our community. So it is with that spirit that I would like to offer this proclamation... James Stewart is retiring after 28 years as a member of the Manchester Police Department. During his tenure he rose through the ranks to become Deputy Chief for the Investigative Division. All those whom have come in contact with Chief Stewart throughout his career with the possible exception of some currently incarcerated have had occasion to comment on his reputation, as not only a fine police officer, but also a true gentleman. For almost three decades he has personified the ideal of a police officer and public servant through his devotion to duty and dedication to the welfare of his fellow citizen's. Whether wearing a badge or not, you will always be regarded as one of Manchester's finest.

Mayor Baines read the following proclamation:

**PROCLAMATION**

I, Robert A. Baines, by virtue of the authority vested in me as Mayor of the City of  
Manchester, NH do hereby proclaim today, April 16, 2002 as

James Stewart Day

here in the City of Manchester. I call upon all citizens to celebrate this magnificent career of truly a magnificent human being and I congratulate you James Stewart for all you have done.

Mayor Baines stated it was a nice tribute at the law enforcement breakfast when he singled out his wife, that is why I wanted her to be up here. He made quite a comment that I think all of us especially my family, from a family of educators. He talked about his wife and gave tribute to his wife because she is teaching young people right from wrong at a very early age. We also know that anybody who serves as a police officer has to have the support of family. Anyone who has been in that kind of profession where you really put your lives on the line everyday. We know the anxiety that you and your family have been through and the sacrifices you have made to allow Mr. Stewart to serve. Now, for a time being the shoe will be on the other foot, which will be good. It is an honor for me to present as we do on special occasions a key to the City. The first thing I do when I present it is I tell people it doesn't open a thing. It is really a symbol of the doors of opportunity that have been opened by the recipients, which in the case of Jim Stewart we realize that a lot of people have been influenced in a very positive way because of his intervention. I am sure that there are a lot of young people who perhaps were going in a different course that they shouldn't have been going in. I know, I witnessed it first hand when interacting with Mr. Stewart during my principalship at West High School. I am sure there are many people that look back upon his intervention and his personal caring that has turned lives around. So, Jim Stewart, I present the key to the City, and when you look at it think of those doors of opportunity that you have opened up for so many people in our community, because of your dedication to your profession. It is presented to Deputy Chief James Stewart in recognition of 28 years of service to the Manchester Police Department and the citizens of Manchester. Congratulations for a job well done and I wish you many years of health and happiness in the future.

Deputy Chief James Stewart replied I would like to thank my wife, and you are correct she is the main thing in my life as far as getting through the 26 years of service with the City. I was fortunate that I worked in a City that my parents were brought up in and all my relatives on my father's side were brought up in also. My wife's family was brought up in Manchester, as well as my family. To me I think it is still an excellent City to live in and bring up your family. I found that out by being a police officer for the last 26 years. With all the problems we have had in the past it is still a wonderful place to bring up your children and family. I also would like to thank everyone at the Manchester Police Department. I really accept this for them because without them and without the work they do each and everyday and night some of the things that I could or couldn't do was entirely the making of them. I was very fortunate to work for Chief Driscoll he has been very, very good to my family and me as he has for a lot of people at the Police Department. Most of all, I have come in contact with a number of City employees over the years and found them to be excellent people. It has always been a nice place to work in the City. Although my job sometimes brought me into contact with a number of people that weren't so nice. I would like to thank all the people in the City, the Mayor, and all the Aldermen. I appreciate this and it means an awful lot to my family and me. Thank you very much.

Mayor Baines proceeded with the meeting asking the Clerk to call the roll.

The Clerk called the roll. There were fourteen Aldermen present.

Present: Aldermen Wihby, Gatsas, Guinta, Sysyn, Osborne, Pinard, O'Neil,  
Lopez, Shea, DeVries, Garrity, Smith, Thibault, Forest

Mayor Baines requested that any resident wishing to speak come forward to the nearest microphone, clearly state their name and address when recognized, and present their comments.

Tony Pecce, Ward 2 (contractor), Manchester, NH, (Re: Employer Ordinance) stated:

Thank you, Your Honor and members of the Board, I come before you tonight with a little less excitement than I did last Tuesday, I will keep it a little calmer. I am very passionate about these issues because I care for the working people in the City and country. What we presented to you may not be to your liking and you may need to tweak it a little bit. I certainly wish that if you do not pass it that you would send it back and let it be reviewed and worked on to get this done. I tried to call all of you today, and spoke only with a few of you. I did call you, Your Honor, but I did not get through. I do not really have a lot to say I hope we can get something done eventually if not today then tomorrow. Thank you.

Bill Larkins, 245 Carnegie Street (Ward 2), Manchester, NH, (Re Zoning Ordinance) stated:

I would like to speak to this Board on the topic of the zoning ordinance. The Mayor and this group appointed me to the Zoning Board of Adjustment. I think they did it as defensive measures to keep me out of this room while the Aldermen were meeting. The precipitating events that bring me here are, obviously you had a great presentation tonight for the towers on Elm and Bridge. There is also coming up the Granite Street widening and the zoning look back is coming up. My goals in trying to change the zoning ordinance towards what I would call a more uptown neighborhood...commercial centers are to decrease the expenses associated with public works ratio metric to the density that you can carry. By doing that by creating a more pedestrian friendly, more alternative transportation friendly City as we grow and build up and out. My goals in the ordinance changes is to increase the tax base by permitting a higher density of building that is functional, attractive and does not exacerbate congestion. Most importantly, I would like to see a sense of community furthered and greater civic pride by creating a built environment that causes one to meet on the sidewalk on foot in front of an attractive building rather than compete in the street in our cars with parking or lane space. Your role is to educate yourselves on the topic. I brought with me six copies of a book that I handed out to the Aldermen last year. For the new Aldermen on the Board, I would like each of them to take the opportunity to read this. This is the most succinct version of this that you can read of the other books that I have read. I would like you to consider one last thing, each decision here that you make or on the other boards in the City. More importantly at the offices of the developers that you saw here take the City into a

direction that heads us towards Houston as a built environment or towards Boston, or toward a place like Atlanta or towards a place like San Francisco. We can choose to be like Detroit or Portland, Oregon. The proposals that I have brought and I brought one copy again very similar to the one I handed out last year for you to consider changes to the ordinance for the uptown zoning. I would like you to consider those and consider each decision you make takes us on that course. Thank you very much.

Thomas Levesque, 9R, Catamount Road, Londonderry, NH, (Re Employer Ordinance) stated:

I am a carpenter and have been in this state since 1991. I am currently working the refueling and repair outage at Nuclear Power Station Seabrook. Last year, I had the opportunity to work in Manchester for the first time. I did some framing and drywall on the outside walls of the Manchester Civic Center. I also did the champagne paneling for Limeo Construction on the same Civic Center. I would like to be able to work locally more often. I would like the leaders of Manchester to consider the responsible employer ordinance that is before the board tonight. Thank you.

Don Levasseur, Ward 10, Manchester, NH (Re Employer Ordinance) stated:

I want to talk about the responsible employers' ordinance, which I am against. Basically, I have nothing to gain; it is not a personal thing. I am a small contractor, I build homes which I have not done in a couple of years. It is not a personal thing, and it will not reward my pocketbook in any fashion, shape or form. I am a local citizen and I was born and brought up in Manchester. I have lived here for the biggest part of 69 years. I graduated from Sacred Heart School and West High School. I went to Hesser's Business College. I have been a local businessman all my life. I started with Wolfords Market, which was a family property on Second Street. I presently own the Second Street Pleasant Street Plaza and the Clam King. I am a real estate broker, and a real estate appraiser. Everything that I have done all my life has always been in the City of Manchester. For the better interest of the City of Manchester and my employees, I always kept my employees. I think last Tuesday we were here and listened to some of the people speaking for and against this. The people speaking for it replied that they were ashamed of the City of Manchester and all that stuff. I have always been very proud to come from Manchester, New Hampshire..... proud to be an American, and very proud to be from New Hampshire. I think, from talking and listening I hadn't heard anything about the contractors not being fair to their employees. I think in listening to everybody that they have been more than fair to their employees and they give them good benefits and health benefits and all those other things. I think all this other stuff in regards to the proposal to sit down and make things better. I just see added cost to the residents of the City of Manchester. I think that anything that comes to cost in any way shape, or form goes right back to whomever buys the services. It is not the guy whom is being the contractor he doesn't take it out of his pocket, he takes it out of your pocket to pay the bills. If you add the cost and sit down and add some new proposal for a responsible employer. What are all these contractors whom have done this wonderful building here? I

think they did a wonderful job, and were very responsible. I think they'd do it throughout the City and the New Hampshire area. If we were in Boston, or New York, or Chicago I would say that yes we might need some more responsible employers, but I think that all are employers and contractors we have here are very responsible people. I would like to speak in their favor and I think this is kind of an edifice of what they have done to accomplish and I want to thank you very much for listening to me.

Mayor Baines stated what we are going to do prior to Robin coming up...again, procedurally, I am going to recess this special meeting and call the meeting to order in joint session with the Library Trustees.

Mayor Baines called the special meeting back to order.

Robin Comstock, Greater Manchester Chamber of Commerce, Manchester, NH (Re: Responsible Ordinance) stated:

On behalf of our over one thousand members and as the state's largest Chamber of Commerce. We would like you to know that we oppose the responsible employer ordinance. We oppose this ordinance because the true economic impacts are unknown. There are several unresolved questions around the implications of mandating 100% health insurance coverage, apprenticeship programs and the exclusion of outside laborer. Until we understand the full consequences of passing such an ordinance particularly at a time when so many vital infrastructure initiatives and improvements are on the horizon. We cannot support this ordinance. We believe that if this ordinance is ultimately introduced it will certainly mean higher costs to the City and higher taxes. This is an anti-business ordinance, an anti-free enterprise ordinance and it directly impacts business owners and taxpayers in the most negative of ways. We very much hope that you will oppose this ordinance because it is the right thing to do for all constituents of the community, because no one really knows what this ordinance means. We only know that it will certainly mean increased costs and higher taxes. Thank you, Sir.

John Gimás, 116 Portsmouth Avenue, Manchester, NH (Re Employer Ordinance) stated: I have been an electrical contractor in Manchester for the last 18 years, but more importantly I am a Manchester taxpayer. I have lived here all my life. I urge you to reject the responsible employer ordinance. This is an ordinance that in many ways will vastly eliminate the choices that Manchester has when choosing contractors for City work. We all know that when choices are limited, costs rise significantly. As a taxpayer, I am opposed to any law that benefits a small circle of people. Limiting competition while ratepayers pick up the tab. The responsible employer ordinance is not necessary in order to attract the most experienced and talented employees. In today's environment companies must provide competitive wages and benefits. By banning independent contractors and then limiting the number of qualified workers by setting residential quotas. You can insure that there will be a very small number of companies bidding for City work. Competition in the cost saving that

competition produces will not be available for the Manchester taxpayer. If all these financial arguments were not enough one of the most unsettling issues is the extreme government oversight this ordinance would introduce. I commend your concern for workers and we care about our workers also. It is unrealistic for any government local or otherwise to monitor and set employment terms for business that they neither own nor run. In addition, this ordinance would require contractors to submit certified payroll records every other week to the City Clerk. Then those records will become available for anyone whom wants to see them. For businesses this is competitive information that is confidential. This would also create needless expensive admisnstration work that the taxpayer will ultimately pay for. I have lived here through good times and I lived here when the City struggled with higher costs needing to go back to the taxpayer to bridge the gap. There are enough uncontrollable factors that negatively effect the local economy and become an expense to citizens. Lets not create are own financial problems by introducing unnecessary ordinances that do nothing but limit choices, meddle in the affairs of business owners and raise costs for Manchester residents. Thank you very much.

Fred Matuszewski, 2366 Elm Street, Manchester, NH, Ward 1, (Re Employer Ordinance) stated:

I am an architect in the City a partner in the firm of C & K Architects. I am here representing also as the Treasurer of the New Hampshire Institute of Architects. Last week during the public hearings held by the committee on Bills on the Second Reading. Representation was brought forward by the Associated General Contractors, Association of Builders and Contractors, and the New Hampshire Chapter the AIA. The contractors brought up issues of administration within their ranks. I wish to speak to the role that the consultant plays in the execution of contracts, in the administration of construction contracts. Last week you heard from your own department heads, Mr. Thomas from the Highway Dept., and Mr. Clark from the Solicitor's Office. Perhaps the total lack of inability to monitor certified payroll in the execution of these contracts. This is a role that will befall your consultants. We as consultants have a contractual obligation to review the status of contractor insurance policies and to this would be added payroll records. The question was raised as to who would review job staffing. We hold that the consultants will be given this task, hence an increase in the fees that you would be paying to the consultants. Thank you.

Ray Hebert, 93 A Street, Manchester, NH (Re Employer Ordinance) stated:

I am here on behalf of the Electrical Contractors Business Association. I am their president representing them tonight. We are opposed to this ordinance and we hope that you folks look at it very hard. We hope that you folks review it and while reviewing it you file and receive this thing and send it away. We thank you for that.

Keith Hirschmann, 296 Dunbarton Road, Manchester, NH stated:

The reason I am here tonight is to discuss money that has been appropriated in the past and apparently not reaching the goal that is was intended. The first dollars that I am speaking of are the school maintenance dollars. The Alderman voted last year to spend over \$900,000 to maintain our schools, that money is not reaching the maintenance of our schools. It is being used for their operating budget, this is wrong! The Mayor charged the previous Mayor of not maintaining the schools and now you sit idly by with maintenance dollars letting them slip away and not maintaining the schools under your watch Mayor Baines, “that is wrong”. If you feel another way you should put out a press release today to say why the schools are not being maintained under your watch now. Other dollars that were appropriated for West Memorial Field are apparently eyeballed for a grab. I do not appreciate this and the two people that I trust on this Board to watch this are Alderman Thibault and Alderman Smith. Please be good Aldermen for the west side and make sure no one robs West Memorial Field. Those dollars were fought for, for years nothing got done over there. Make sure that project gets finished with the dollars intended. On the responsible employer ordinance I do not believe in restricting free trade. I am a member of the New Hampshire Alarm Association and the National Burglar and Fire Alarm Association. I own an alarm company and I do not appreciate ordinances that would restrict me from working on a municipal project should I desire. There are hundreds of members in the State of New Hampshire, none of them which I believe are in the AFLCIO. Any proposed baseball park that you people want to build should be put out to the voters, talking about money again. The only reason I voted for the Verizon Arena was because the voters in my ward in this City voted positively to do the project. I would ask you to make sure it is put on the municipal ballot before you spend our money. I am a taxpayer and a concerned taxpayer as well. I appreciate your listening to me and I think that there are many smart people on this Board that will listen. I am sorry that the School Board is spending those maintenance dollars and not allowing you to do your job.

Gary Abbott, Executive Vice President of the Associated General Contractors of New Hampshire, Bow, NH, (Re Employer Ordinance) stated:

It is a statewide organization representing commercial and industrial contractors, both building and highway. I know that you received a joint letter from AGC, Associated General Contractors, the Plumbers Association, the Electricians and the AIA. For me, that was a historic event because in the twenty years I have not seen a joint letter from all of the construction trade organizations that unanimously opposes the responsible contractor ordinance. What I have handed out are the points, which we make regarding the ordinance that is proposed and why we oppose it. I guess tonight I would like to make this analogy that you may be able to relate to. I don’t think if the City of Manchester started to mandate some of these types of provisions on City’s and towns across the state. I think that is the way the contractors and sub contractors feel is that these employer issues that are being mandated on their businesses and how they can operate. I think the word mandate is very important because these are some of those choices that companies can make freely without any

intervention in operating their company. In order to give the City of Manchester the most cost effective construction services the City would need. I think it is very important to recognize that when you start to mandate things it could mean potential increase in costs for companies that decide to work for the City of Manchester. I would hope that the Aldermen would oppose this ordinance as it has been presented. I appreciate the opportunity to speak before you tonight. Thank you.

Harold Hodgdon, 810 Union Street, Manchester, NH, (Re Employer Ordinance) stated:

All these contractors that are opposing this ordinance, I would like to bring the attention to the Board. The small contractors, a lot of them, say they have their safety programs in place. I have two jobs, one on the south side of me and one across the street from me that are going on. I just want to bring it to the attention to the ordinance here that there are none of them that have safety belts on. They are up on the roofs, and one even cut off the end of his thumb. I would like to know where these safety programs are. That is all I have on that. I would like to speak to the people here that are all in favor of this ordinance would please rise.

Arthur Beaudry, 30 Bow Street, Manchester, NH, (Re Employer Ordinance) stated:

This ordinance is about employee's working safety issues as far as training a bonafide apprentice program. A good-trained employee is a safer employee, which will cut down on workers compensation premiums, health cares which all of us in this room would like to have for ourselves and local control and local people working. I do not understand why anybody would oppose local control, which is what this ordinance would give. I would allow the Board of Mayor and Aldermen to have an agency and let them have the say in what contractors will be coming into the City, and who they will hire as far as local people. You look at some of these jobs and the license plates are from Maine, Vermont, and all over the country. We would like to keep people in Manchester who pay taxes in Manchester working in Manchester. Instead of having to go out to another state and work. A lot of the contractors that have been coming forward in opposition of this saying for whatever reason it is illegal. If federal money is granted right knows there is the Davis Bacon Act and already has most of the language that we are looking for local control which if any federal money is put into a project they have to abide by the Davis Bacon Act. There is a group of individuals that would be willing to work with the committee and work out any problems that the committee foresees. We just do not want to see this ordinance dead, we wish that it does not get tabled. We want to get it back to a committee where we can work with the individuals and get a working document out to pass. Thank you.

Kevin LeFebvre, 16 Depot Street, Weare, NH, (Re: Employer Ordinance) stated:

I am a small business owner, and I used to live in Manchester for 32 years. I am against this proposal as it is written, there are a lot of things in it that have been discussed before and have been turned down. There is one issue about all contracts with four or more employees shall maintain and participate with the Department of Labor in the Partnership Program.



This has already gone into the State and has been turned down because it mandates you enter into a voluntary agreement and you really can't mandate someone to enter into a voluntary agreement with the Department of Labor. We are already registered with the State with the Electricians Board and Bureau as far as that's concerned. Second of all, there are issues that are not resolved as to what happened to the City of Manchester with their temporary help and seasonal help. Would they be required to have full insurance benefits, and all that stuff? I think that is kind of a little gray area in the original ordinance as what happens with that, it would add cost to the City itself. Second of all you are singling out contractors. If the health insurance is the big issue that you are talking about that you want every person to have full benefits and all this. Why not make it a Citywide ordinance that every single business in the City of Manchester must carry full health insurance. That is what you are basically telling us. I am sure that if you guys wrote it that way it would die quickly. Last of all we already have a lot of the other rules in place whether it is sub-contracting rules or whatever. They are already in place in the state, enforce the existing ones if there is an issue. Thank you very much, and have a nice night.

Joe Kelly Levasseur, 866 Elm Street, Manchester, NH (Re: \$ ) stated:

Good evening, Board of Mayor and Aldermen, I'd like to echo some of the concerns that former Alderman Hirschmann said when he came up here about the SCIP account which you'll be discussing tonight. I sat on the Board of Aldermen last year when we, the Board voted to give the School board one million dollars for maintenance. I voted against that because it was in the hands of Frank Thomas of the Highway Department. I trusted the Highway Department with the spending of that money on maintenance, and sure enough the fears that I worried about have come to fruition. They are trying to take \$400,000 of that money and put it in their operating cost to hide another deficit. Do not let them do this to you guys, and don't let them fool around. Alderman O'Neil states that we should pat them on the back because they came forward and told us about it first. They have been pulling this stunt since as long as you have been an Alderman. Just because they came forward and said they needed us to give them a supplement does not mean that we should pat them on the back. What we need to do is teach them that they can't just keep having money and spending it whenever they want to do it. It is time to lay the law down here. If Alderman Wihby tells you guys that he needs that money for next year's budget you should trust him. He knows what is going on in the School Board, and with the school budget. If he tells you that he needs that \$600,000 for next year's budget, trust the guy. When it comes to the budget and knowing what the School is about and what is going on he knows it better than anybody else. As far as Riverfest, I am very upset that it is going to move from Arms Park to Singer Park. I do not think it should, and if there are any Aldermen here that can fight that from going over to Singer Park I would like it to be kept at Arms Park. They tried Singer Park once before and it didn't work out there so they moved it back to Arms Park. I would like to see it stay there, for it helps the center business area a lot more. People will park on Elm Street and then walk down. As far as the employer friendly ordinance, there are people here from both sides and they want an answer tonight. There are people from the unions,

there are people that are employees and there are people who are contractors. They do not want this tabled, you had a chance to vote on this last Wednesday. If you had voted on it in committee, you would not have had to go through another public hearing this big again. Do not table it, vote your conscience. There are so many people that are out there who are government that say we should hold people accountable for their.....teachers, we are always saying that we need to hold them accountable. Let's hold the people on this Board accountable and vote whether you are going to vote for this ordinance or not vote for this ordinance. If you come along and just table it because you say you are going to put another piece together and try to make the writing better. I still believe in your conscience that most of you would probably vote for it no matter how it was written. So don't play games here tonight you have a lot of people that are waiting. Let the contractors know where they are going, if they should be bidding on things here. Let the employees know if they should be looking for work some where else. I just hope that we can really put this School Board issue to bed tonight. I hope you guys do the right thing with that SCIP account and take that money and keep it where it belongs in the City. Thank you, Mayor and Aldermen.

Mike Day, Somersworth, NH (Re: Employer Ordinance), stated:

I spend a lot of time here in Manchester, I have a lot of good friends here. I am a member of the working class, I wake up each day and go to work. I see a lot of these other people over here contractors and stuff in their nice clothes and suits. They are talking about not wanting to give people like me who build these buildings, and make everything that you see the right to have insurance and work safely, and to have training. I am 22 years old and I am an apprentice. It has helped me a lot, and given me a lot of confidence and allows me to know what I am doing on the job site. Right now, I am working over in Newington at a power plant that is being built it is a very dangerous site. There are a lot of hazards, but the thing with my training and the safety minded people that are there guiding me along is that I have not been hurt. Truthfully, I do not really know exactly what I am doing yet because I am still an apprentice, but there are people there to help me. People are looking out for my safety. I have insurance, I make a decent wage where I can afford to live. I live in the seacoast area where it's...Portsmouth, New Hampshire is the third highest place to live, cost of living in America from what I heard. I hear things like you have to earn \$20.00 plus an hour in order to live on your own and be comfortable. The minimum wage is ridiculously low, and I would like to see people who risk their lives and work real hard be able to get the things that they deserve for their families, and have a future. I think that Manchester, being the largest City in New Hampshire, they should set an example for the rest of the State to be responsible. It doesn't matter about all the money issues. The City is going to save money if they hire responsible contractors in the long run. We are going to have a better City, a better State. That is about all I got, I hope you guys pass it. Thank you.

There being no one else present wishing to speak, on motion of Alderman Pinard, duly seconded by Alderman Thibault, it was voted to take all comments under advisement and further to receive and file any written documentation presented.

This being a special meeting of the Board, no further business was presented, and on motion of Alderman Wihby, duly seconded by Alderman Garrity, it was voted to adjourn.

A True Record. Attest

City Clerk